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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: October 12, 2021**

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Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains legislation considered by Council. If noted, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614-334-2365. Past issues are available at [hilliardohio.gov](http://hilliardohio.gov)

## ORDINANCES

**The following Ordinances were passed on October 11, 2021**

### **21-28 REPEALING AND REPLACING PART THIRTEEN OF THE CITY'S CODIFIED ORDINANCES – THE "BUILDING CODE" TO SIMPLIFY BUILDING CODE REQUIREMENTS AND TO BE ALIGNED WITH THE CITY'S FORM OF GOVERNMENT AND ORGANIZATIONAL STRUCTURE.**

**WHEREAS**, pursuant to Charter Section 3.09, the City may adopt standard ordinances in codes on such matters as building construction, plumbing, heating and other similar topics; and

**WHEREAS**, Part XIII of the City's Codified Ordinances addresses the Building Code for the City; and

**WHEREAS**, after a review by the City, it was determined that adopting the Ohio Building Code, the Residential Code of Ohio and the Ohio Mechanical Code by reference was in the best interest of the City; and

**WHEREAS**, additionally, the review determined that the City needed to re-adopt and the current version of the International Property Maintenance Code; and

**WHEREAS**, staff finds that repealing the Part XIII and replacing it with new Part XIII regarding Building and Land Usage will provide clarity the City's residents and ensure that a single and concise set of standards are enforced.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Part XIII of the Codified Ordinances of the City is repealed and replaced as shown on Exhibit "A", **attached** hereto and incorporated herein.

**SECTION 2.** City Council finds that repealing and replacing Part XIII of the City's Codified Ordinances is in the City's best interest. Chapter 161 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

### **21-29 AMENDING CHAPTERS 921 AND 1125 OF THE CITY'S CODIFIED ORDINANCES REGARDING TREE REGULATIONS.**

**WHEREAS**, following a review by the City, it has been determined that amendments are necessary to remove duplicate language found in Chapters 921 and 1125; and

**WHEREAS**, additionally, amendments are necessary to address the removal of privately owned trees that is deemed dangerous or injurious to public utilities; and

**WHEREAS**, as shown on Exhibits "A" and "B", attached hereto and incorporated herein, the amendments are in the best interest of the City and its residents.

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**21-29 continued:**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** City Council finds that amending Chapters 921 and 1125, as identified in Exhibits “A” and “B”, **attached** hereto and incorporated herein, is in the City’s best interest. The changes and additions to the Chapters 921 and 1125, as shown and identified in track changes on the attached Exhibits “A” and “B”, are approved.

**SECTION 2.** All other provisions of Chapters 921 and 1125, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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**The First Reading of the following Ordinances was held on October 11, 2021. The Second Reading/Public Hearing is scheduled for October 25, 2021.**

## **21-30 AMENDING AND UPDATING CERTAIN SECTIONS OF PART THREE - THE “TRAFFIC CODE”, OF THE CITY’S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE AND THE CITY’S CURRENT FORM OF GOVERNMENT.**

**WHEREAS**, Part Three of the City’s Codified Ordinances – the “Traffic Code” has been reviewed by the City’s Codifier, Municode and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City’s current form of government; and

**WHEREAS**, it is necessary to update the “Traffic Code” to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

**WHEREAS**, it is necessary to update certain sections of the “Traffic Code” in order to align with the City’s change in form of government as well as outdated code sections; and

**WHEREAS**, the City desires to address the use of bicycles and other personal mobility devices within the City, and specifically on sidewalks and shared-use paths; and

**WHEREAS**, the Administration desires to amend the “Traffic Code”, as outlined in Exhibit “A”, attached hereto and incorporated herein; and

**WHEREAS**, the City believes that amending the “Traffic Code”, as identified in Exhibit “A”, attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Part Three of the City’s Codified Ordinances - the “Traffic Code”, as identified in Exhibit “A”, **attached** hereto and incorporated herein, is in the City’s best interest. The changes and additions to the “Traffic Code”, as shown in track changes in the attached Exhibit “A” are approved and shall be incorporated in the City’s Codified Ordinances.

**SECTION 2.** All other provisions of the “Traffic Code”, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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## **21-31 AMENDING AND UPDATING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE", OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE AND THE CITY'S CURRENT FORM OF GOVERNMENT.**

**WHEREAS**, Part Five of the City's Codified Ordinances – the "General Offenses Code" has been reviewed by the City's Codifier, Municide and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

**WHEREAS**, it is necessary to update the "General Offense Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

**WHEREAS**, it is necessary to update certain sections of the "General Offenses Code" in order to align with the City's change in form of government as well as outdate code sections; and

**WHEREAS**, the Administration desires to amend the "General Offenses Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City believes that amending the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Part Five of the City's Codified Ordinances - the "General Offenses Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "General Offenses Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "General Offenses Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## **21-32 AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE AGREEMENTS AND A LEASE FOR 2717 ALTON DARBY CREEK ROAD AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.**

**WHEREAS**, on June 8, 2020, City Council passed Ordinance No. 19-25 authorizing the City Manager to enter into a Development Agreement with Dublin-Cosgray LLC (the "Agreement"); and

**WHEREAS**, the Agreement stated that Dublin-Cosgray, LLC would construct a sanitary sewer line and a water line to 2717 Alton Darby Creek Road (the "Property"); and

**WHEREAS**, on September 30, 2020, the Developer assigned and transferred all of its rights duties and obligations in the Agreement to Alton Place, LLC (the "Developer"); and

**WHEREAS**, after negotiations between the Developer and the Owner of the Property, and at the direction of City Council, it has been determined that, in lieu of extending the sanitary sewer and water lines, the Owner will sell the Property to the City, allowing for a lease back for nominal cost for a time certain, and following the termination of the lease, the City will sell the Property to the Developer; and

**WHEREAS**, in order to fulfill the terms of the Purchase Agreement with the Owner, the City must appropriate funds in the amount of \$225,000; and

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## 21-32 continued:

**WHEREAS**, the Developer agrees to purchase the Property at the same purchase price following the termination of the lease.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The City hereby appropriates \$225,000 in accordance with the Real Estate Purchase Agreement with Roniann Thornton (a/k/a Roniann MacLaughlin) from Fund 304, Object 55.

**SECTION 2.** An expenditure is authorized in an amount not to exceed \$225,000 from Fund 304 Object 55 for the Purchase Agreement.

**SECTION 3.** The City Manager is authorized to enter into a Real Estate Purchase Agreement with Roniann Thornton (a/k/a Roniann MacLaughlin), substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 4.** The City Manager is authorized to enter into a Lease Agreement with Gary and Roniann Thornton, substantially similar to the one attached hereto as Exhibit "B" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 5.** The City Manager is authorized to enter into a Real Estate Purchase Agreement with Alton Place, LLC, substantially similar to the one attached hereto as Exhibit "C" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 6.** This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

## RESOLUTIONS

**The following Resolutions were passed by Hilliard City Council on October 11, 2021.**

### **21-R-59 A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 6.0± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.**

**WHEREAS**, on September 27, 2021, pursuant to Ohio Revised Code Section 709.023, the property owners of 4702 Cosgray Road, Parcel No. 200-001341-00, seeking the annexation of 6.0± acres of real property in Norwich Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of the property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is **attached** hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the

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## 21-R-59 continued:

municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** In the event that the proposed 6.0 ± acres (the “Property”) is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor’s court, public works and street maintenance, residential refuse collection, planning, building, zoning and engineering services, and recreation and parks, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

**SECTION 2.** The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard’s Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts.

**SECTION 3.** If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Norwich Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Norwich Township.

**SECTION 4.** The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioner for annexation, within twenty days following the date that the petition was filed.

**SECTION 5.** This Resolution is effective upon its adoption.

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## 21-R-60 AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT TO THE ISLAMIC SOCIETY OF GREATER COLUMBUS FOR PLACEMENT OF A STORM SEWER AND APPURTENANCES IN THE CITY’S MUNICIPAL PARK.

**WHEREAS**, the Islamic Society of Greater Columbus (“Grantor”) owns the property at 5677 Scioto Darby Road, Franklin County parcel number 050-003024 (“property”); and

**WHEREAS**, the Grantor operates Sunrise Academy school at 5657 Scioto Darby Road; and

**WHEREAS**, the Grantor wishes to expand Sunrise Academy to include a middle school and high school on the property; and

**WHEREAS**, the Grantor submitted application number 19-0434LC to seek approval of a conditional use under the provisions of Hilliard Code Chapter 1123 to permit a private school use within an existing building on 4.264 acres; and

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## 21-R-60 continued:

**WHEREAS**, at its regularly scheduled and advertised meeting on May 9, 2019, the City's Planning and Zoning Commission voted to approve the request to permit a private school use within an existing building with the following conditions; and

1. That the plans are revised to show the current right-of-way lines for Scioto Darby Road and Veterans Memorial Drive;
2. That the private high school use is limited to the areas shown on the proposed floor plan for phase one only and any expansion requires the prior approval of the Planning and Zoning Commission for a conditional use including a full traffic circulation and parking plan;
3. That the plans are revised to specify the required minimum number of parking spaces for all uses;
4. That the plans are revised to show one bicycle parking space will be provided for each 10 vehicular parking spaces on the site;
5. That the plans are revised to show all light poles, trash receptacle locations and the required screening, subject to staff approval;
6. That all new mechanical equipment, related structures or other utility hardware must be screened from view from adjacent properties or rights-of-way, subject to staff approval;
7. That all site lighting fixtures must be cut-off type and that light trespass onto adjacent properties or rights-of-way will be consistent with the provisions of the Hilliard Design Manual; and
8. That all signage meets the provisions of the Sign Code.

**WHEREAS**, in order to meet condition 3 above, the Grantor must construct an addition to the existing parking lot; and

**WHEREAS**, in order to meet the City's storm water management requirements for the parking lot addition, the Grantor must construct a small storm water detention basin and a storm sewer outlet for this detention basin; and

**WHEREAS**, the only storm sewer in the area to connect the detention basin's storm sewer outlet to is an existing storm sewer in Hilliard Municipal Park; and

**WHEREAS**, in order to construct and subsequently maintain this storm sewer, the Grantor must obtain an easement from the City of Hilliard to construct the storm sewer across a portion of Hilliard Municipal Park along Veteran's Memorial Drive to connect to the existing storm sewer; and

**WHEREAS**, the City Engineer and Director of Parks and Recreation have reviewed and approved the location of the proposed storm sewer easement in Hilliard Municipal Park, and request that the City grant the easement to Sunrise Academy as depicted on Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The City Manager is hereby authorized to grant the necessary easement to the Islamic Society of Greater Columbus, as described and depicted in Exhibit "A", **attached** hereto and incorporated herein by reference.

**SECTION 2.** The City Engineer is hereby authorized to approve any necessary administrative changes to effect the proper recording of the legal descriptions, documents, and instruments, and shall provide the City Clerk with a final recorded copy of all such legal descriptions, documents and instruments for filing in the City records.

## 21-R-60 continued:

**SECTION 3.** This Resolution is effective upon its adoption.



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## **21-R-61 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE HERITAGE PRESERVE SUBDIVISION, SECTION 4, PHASE 2 SUBDIVISION.**

**WHEREAS**, in Ordinance No. 13-01, adopted February 25, 2013, this Council approved the Heritage Preserve PUD (“PUD”); and

**WHEREAS**, as a requirement of the PUD, Ordinance No. 13-03, adopted February 25, 2013, authorized the City and Planned Development Company of Ohio and Danken, LLC (collectively, the “Owner” and the “Developer”) to enter into a Developer’s Agreement (“Agreement”) which detailed the public infrastructure improvements that the Developer was to construct as part of the PUD; and

**WHEREAS**, in Resolution No. 21-R-41, adopted on June 14, 2021, this Council accepted by subdivision plat (“Plat”) the dedication of roads and easements for the construction of public infrastructure associated with Section 4, Phase 2 of the PUD; and

**WHEREAS**, the public improvements for Heritage Preserve, Section 4, Phase 2 as identified on the above Plat, have been found to be constructed per the plans submitted to and approved by the City Engineer for each section; and

**WHEREAS**, the City conducted a final inspection of the public improvements associated with the PUD on the date shown below; and

**WHEREAS**, per Section 1191-01 of the City’s Planning and Zoning Code, the Developer has posted maintenance surety for the public improvements, and the public improvements will be maintained by the Developer until the date listed below for final acceptance and full maintenance by the City of Hilliard for each section of the PUD; and

<u>Public Improvements</u>	<u>Final Inspection Date</u>	<u>Final Acceptance Date</u>
Heritage Preserve Section 4, Phases 1 & 2 Public Street, Storm Sewer, Sanitary Sewer, and Water Line Improvements (# P-905 & # P-906)	10/1/2021	10/1/2022

**WHEREAS**, it is in the best interest of the City of Hilliard and the public at large that the City accepts the public improvements as noted above.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The City of Hilliard accepts the public improvements for Section 4, Phase 2 of the Heritage Preserve PUD as set forth in the following plans titled:

- “Heritage Preserve, Section 4, Phases 1 & 2 – Public Sanitary Sewer Improvements – 2017, P-905” approved by the City Engineer on December 21, 2017, which plans are on file in the office of the City Engineer and available for inspection. While the title of the plan references Phases 1 & 2, the acceptance herein is for Phase 2 only.
- “Heritage Preserve, Section 4, Phases 1 & 2 – Public Street, Storm Sewer, & Water Line Improvements – 2017, P-906” approved by the City Engineer on January 18, 2018, which plans are on file in the office of the City Engineer and available for inspection. While the title of the plan references Phases 1 & 2, the acceptance herein is for Phase 2 only.

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## 21-R-61 continued:

**SECTION 2.** The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of accepting the public improvements as provided herein.

**SECTION 3.** This Resolution is effective upon its adoption.

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## 21-R-62 APPROVING CHANGES TO THE CARR FARMS PLANNED UNIT DEVELOPMENT (“PUD”) CONSISTING OF 227 EMPTY NESTER HOMES AND 16 TOWNHOMES ON 79.45 +/-ACRES.

**WHEREAS**, Homewood Corporation (the “Owner”) owns approximately 79.5± acres of land located on the east side of Leppert Road, approximately 200 feet north of Davidson Road in Hilliard, identified as parcel number 050-008252 by the Franklin County Auditor’s Office (the “Property”); and

**WHEREAS**, City Council approved a Planned Unit Development (“PUD”) for the Property, by the passage of Ordinance No. 16-01 on July 11, 2016 (the “Carr Farms PUD”); and

**WHEREAS**, a 6-month extension of the Carr Farms PUD Concept Plan was approved by the Planning and Zoning Commission on April 12, 2018; and

**WHEREAS**, City Council approved Resolution No. 20-R-95 to modify the Carr Farms PUD to consist of 59 traditional single-family homes and 179 empty nester homes on November 23, 2020; and

**WHEREAS**, the Owner submitted application number PZ-21-33 to the City’s Planning and Zoning Commission to modify the Carr Farms PUD to consist of 227 empty nester homes and 16 townhomes; and

**WHEREAS**, staff determined that the proposal is generally consistent with the goals of the Comprehensive Plan concerning land use and that the requested changes would result in a reduction in the number of occupants, a reduction in the number of daily vehicle trips for the overall development, and a reduction in the expected number of public school students as compared to the original plan; and

**WHEREAS**, at its regularly scheduled and advertised meeting on September 9, 2021, the City’s Planning and Zoning Commission voted to forward a positive recommendation to City Council that the Carr Farms PUD plans and text be revised as proposed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The Concept Plan and Text for the Carr Farms PUD is amended to consist of 227 empty nester homes and 16 townhomes on 79.45 acres.

**SECTION 2.** The amended Carr Farms PUD Concept Plan and Text, **attached** hereto as Exhibit “A”, and incorporated herein by reference, is approved and shall hereafter be referred to as the Carr Farms PUD Concept Plan and Text.

**SECTION 3.** This Resolution is effective at the earliest time provided for by law.

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## **21-R-63 AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT WITH THAYER POWER AND COMMUNICATION LINE CONSTRUCTION CO., LLC AND TO PURCHASE RELATED HARDWARE RELATED TO THE CONSTRUCTION OF THE HILLIARD MUNICIPAL FIBER NETWORK AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the City entered into a contract with Thayer Power and Communication Line Construction Co., LLC (“Thayer”) in 2019 to construct portions of the Hilliard Municipal Fiber Network; and

**WHEREAS**, the funding from the U.S. Department of the Treasury as authorized under the American Rescue Plan Act of 2021, including, but not limited to, reimbursing the City for any revenue losses in any given year from 2020-2024, reimbursing the City for additional expenses incurred related to the COVID-19 pandemic and providing support for a recovery – including through assistance to households, small businesses and nonprofits, and aid to impacted industries as permitted by H.R. 1319-117<sup>th</sup> Congress and any applicable regulations issued by the U.S. Department of the Treasury; and

**WHEREAS**, the City of Hilliard created Fund 898 which is titled the “Local Fiscal Recovery Fund,” which is required by the American Rescue Plan Act of 2021; and

**WHEREAS**, pursuant to the American Rescue Plan Act of 2021, the City is permitted to use a portion of the ARPA Funds to fund to the extension of the Hilliard Municipal Fiber Network to the Cologix data center (the “Project”); and

**WHEREAS**, Ohio Revised Code (“R.C.”) Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

**WHEREAS**, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City’s 2022 Capital Improvement Budget.

**WHEREAS**, Hilliard City Council believes that providing a portion of the American Rescue Plan Act of 2021 to fund the construction of the Hilliard Municipal Fiber Network and purchase associated hardware is in the best interest of the public health, safety, and welfare of the City of Hilliard.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** An expenditure is authorized in the amount not to exceed \$750,000 from the American Rescue Plan Act of 2021, Fund 898.

**SECTION 2.** Hilliard City Council authorizes the City Manager to extend the contract with Thayer and purchase associated hardware to construct additional portions of the Hilliard Municipal Fiber Network to serve the City of Hilliard and its residents.

**SECTION 3.** Following the appropriation of the balance of funds for the Project in the City’s 2022 Capital Improvement Budget, an expenditure is authorized in 2022 from the unencumbered balance of Fund 304/898 in the amount of \$265,000.

**SECTION 4.** The funds authorized herein are subject to audit and oversight by the Ohio Office of Budget and Management.

**SECTION 5.** This Resolution shall be effective upon its adoption.

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## **21-R-64 DESIGNATING THE WEEK OF OCTOBER 17 – 23, 2021 AS STORMWATER AWARENESS WEEK IN THE CITY OF HILLIARD.**

**WHEREAS**, urban stormwater runoff impacts water quality in local streams within the City of Hilliard such as the Scioto River, Hayden Run, Smith Ditch, Holcomb Ditch, Molcomb Ditch, Tudor Ditch, Hamilton Run, Clover Groff Run, and smaller tributaries of each; and

**WHEREAS**, population growth, residential and commercial development, and the resulting changes to the landscape will only increase stormwater quality and quantity concerns throughout Hilliard and central Ohio; and

**WHEREAS**, these impacts cannot be entirely avoided or eliminated but can be minimized; and

**WHEREAS**, it is currently recognized that control of stormwater quantity and quality is most effectively implemented when people and organizations understand the related causes and consequences of polluted stormwater runoff and flooding, and the actions they can take to control these causes; and

**WHEREAS**, the need not only arises from the regulatory requirements of the Ohio Environmental Protection Agency's General Construction and Municipal Stormwater rules, but also from the recognition that citizens and local decision makers will benefit from a greater awareness of how the cumulative impacts of decisions at home, at work, and through local policies impact our water quality, stream corridors, and potential for flooding; and

**WHEREAS**, the development and implementation of effective, outcome-based stormwater education and outreach programs will meet the related federal stormwater pollution control requirements and those of the communities they serve so that Ohio continues to be a great place to live, work, and play.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The City of Hilliard joins Soil and Water Conservation Districts and other communities across Ohio as designating the week of October 17-23 as Stormwater Awareness Week in Hilliard.

**SECTION 2.** The City's Department of Community Relations and the Engineering Division are instructed to utilize all means necessary to distribute stormwater education materials to the general public.

**SECTION 3.** This Resolution is effective upon its adoption.

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